

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-037-T - ORDER NO. 1999-472

JULY 6, 1999

IN RE: Application of Here <u>To</u> There Moving	)	ORDER
Company, Inc., 2208 Broad Street, Apt. 1,	)	APPROVING
Camden, SC 29020 (Mailing Address: Post	)	CERTIFICATE
Office Box 92, Camden, SC 29020), for a	)	
Class E Certificate of Public Convenience and	)	
Necessity.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Here To There Moving Company, Inc. (Here To There or the Company), 2208 Broad Street, Apt. 1, Camden, SC 29020 for a Class E Certificate of Public Convenience and Necessity to transport household goods, as defined in R. 103-210(1). The originally requested area of service in the Application was between points and places in Richland, Lexington, Kershaw, Fairfield, Newberry, Saluda, and Calhoun Counties to all points and places in South Carolina. After the filing of the original Application, the request was downwardly amended to include the following:

Between points and places in Richland, Lexington, and Kershaw Counties to all points and places in South Carolina.

Pursuant to the Executive Director's instructions, a Notice of Filing was published in newspapers of general circulation in the proposed areas of service. The Company filed proof of publication. The following companies intervened: Lytle's Transfer & Storage, Inc., Carey Moving & Storage, Inc., Arrow Moving & Storage, Inc., Carey Moving &

Storage of Greenville, Inc., Smith Dray Line & Storage, Inc., and McCoy's Moving & Storage, Inc.

Accordingly, a hearing was held on May 13, 1999 at 2:30 PM in the offices of the Commission, with the Honorable Philip T. Bradley, Chairman, presiding. Here To There was represented by Bonnie D. Shealy, Esquire. The Company presented the testimony of George V. Kornegay, Jr., Jack Wolf, and Joseph L. Jenkins. B.R. Bland was present for Lytle's Transfer & Storage, Inc., Pat Carey was present for Carey Moving & Storage, Inc. and Arrow Moving & Storage, Inc. Pat Carey testified. Mike Carey was present for Carey Moving & Storage of Greenville, Inc., and Scott Dickerson was present for Smith Dray Line & Storage, Inc. McCoy's Moving & Storage, Inc.(McCoy's) was represented by William Tetterton, Esq. McCoy's presented the testimony of Perry L. McCoy. Mike Carey withdrew the intervention of Carey Moving & Storage of Greenville, Inc. during the course of the hearing, and opted for Protestant status. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

The Company presented the testimony of George V. Kornegay, Jr., President. Kornegay testified that he had experience in the movement of household goods in that he had worked at Bekins Van Lines in Alaska for 3 years. The Company presently has interstate authority for the movement of household goods. Kornegay states that he will lease trucks as needed, and will utilize these for his business, in addition to the 1994 moving van that he owns. Kornegay testified that he owned various pieces of moving equipment along with pads for furniture. Kornegay further stated that he has received 2

calls from people in Kershaw County wanting him to move them. The Company's future headquarters will be located in Richland County.

Here To There also presented the testimony of Jack Wolf. Wolf is a real estate sales person. Wolf testified that the real estate market in Richland and Lexington for the last several years indicated a real growth situation. Real estate sales are apparently greater than ever, according to Mr. Wolf. Mr. Wolf also indicated that he had had problems locating a mover in the Richland County area in the past, and that he felt that the market could certainly use another mover of household goods.

Joseph L. Jenkins also testified for Here To There. Jenkins is a realtor, also. He stated that the Columbia area has an unbelievable growth rate, with interest rates being low. He states that there is enough demand in the area for another household goods moving company. Jenkins also refers us to the South Carolina Statistical Abstract '98 (Hearing Exhibit 4) to show the growth in the Columbia area.

For the Intervenor, Pat Carey and Perry L. McCoy testified. The substance of the testimony was that the public convenience and necessity was already being served with existing movers. Carey testified that he had trucks available for moves on the very day of the hearing. McCoy testified that he moves in Kershaw, Richland and Lexington Counties. McCoy also notes that he has not added any new equipment lately, and that he already has to compete with a number of movers for that business.

S.C. Code Ann. Section 58-23-590 (Supp. 1998) states that the Commission shall issue a Certificate of Public Convenience and Necessity if the applicant proves to the Commission that: 1) it is fit, willing, and able to properly perform the proposed service

and comply with the provisions of this chapter and the Commission's regulations; and 2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. Regulation 103-133 states that the public convenience and necessity criterion must be shown by the use of shipper witnesses.

The Regulation goes on to state that if the Commission determines that the public convenience and necessity is already being served, the Commission may deny the Application. The Statute also states, however, that the determination that the proposed service is required by the public convenience and necessity must be made by the Commission on a case by case basis.

We believe that the Company has shown that it is fit, willing, and able to provide the service requested. The Company's President, Mr. Kornegay, has a moving van, experience, and various equipment for the business. The business has interstate authority to move household goods. The Company has no judgments against it. The Company seems to meet other criteria for fit, willing, and able, also.

The public convenience and necessity criterion is more difficult, however. All of the Applicant's witnesses seemed to be of the opinion that the Columbia metropolitan area was growing and in need of more movers. The Intervenor indicated that, in their opinion, the public convenience and necessity criterion was already met, since they had empty trucks available for moves on the particular day of the hearing, and based on certain other indicated reasoning. However, upon examination, we believe that the

shipper witnesses make a case for the public convenience and necessity requiring the service of the Company from Richland County.

Both shipper witnesses Jack Wolf and Joseph L Jenkins were most familiar with the Richland County area. Wolf stated that, at one time, he had had difficulty obtaining a mover. Jenkins testified that he got some calls to recommend moving companies, and that some persons could not obtain a mover when desired in the Richland County area. The Company is to be headquartered in Richland County, if granted authority.

Accordingly, we believe that the public convenience and necessity, combined with the fit, willing, and able criteria require the granting of a Certificate of Public Convenience and Necessity for the movement of household goods between points and places in Richland County, and from points and places in Richland County to all points and places in South Carolina, subject to compliance with all Commission rules and regulations.

IT IS THEREFORE ORDERED:

1. That the Company is granted a Certificate of Public Convenience and Necessity to transport household goods between points and places in Richland County and from points and places in Richland County to all points and places in South Carolina.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann.

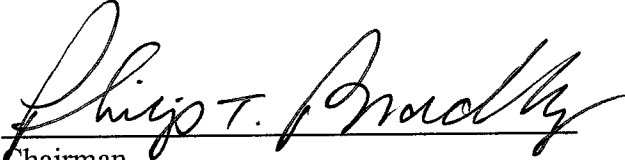
Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

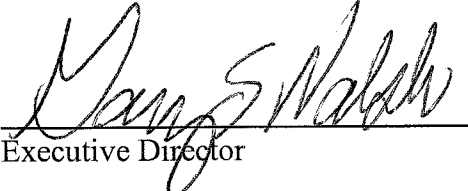
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)